

4COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-706

Appellant(s): Bruce T. Macdonald, Esq.
representing Michael Viola

vz. Appellee(s): City of Salem
Thomas McGrath

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 6th Edition 780 CMR 3400.3.1 and 904.2 for 19-23 Salem Street, Salem, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on February 24, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

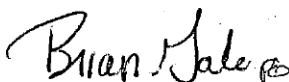
The Appellant appeared and testified for the hearing. Thomas McGrath and others appeared for the hearing as noted on the sign in sheet which is on file at the Department of Public Safety.

Discussion

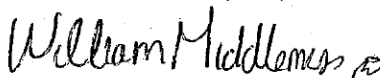
A motion was made to grant the Appellant's request for a variance from 6th Edition 780 CMR, 3400.3.1 and 904.2, contingent upon the tenant or owner submitting a set a drawings for the proposed beauty salon and that the Salem Building Department will review the plans, and when approved, issue of a building permit for this work. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 6th Edition 780 CMR 3400.3.1 and 904.2 is hereby granted with the condition noted in the discussion above and so ordered² on this date: February 24, 2009.



Brian Gale



William Middlemiss



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.